



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/811,772	03/07/97	MCKENZIE	MCK-1

PM31/0416

JAMES AND FRANKLIN
60 EAST 42ND STREET
SUITE 1217
NEW YORK NY 10165

EXAMINER

TRAN, K

ART UNIT PAPER NUMBER

3623

DATE MAILED: 04/16/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Attachments:

- ☒ Notice of Allowance/Grant, PTO 204
- ☐ International Classification Statement of PTO Form 1000-1000
- ☐ Interview Summary, PTO 413
- ☐ Notice of Publication, Grant Drawing, PTO 240
- ☐ Notice of Publication, Patent Application, PTO 100

OFFICE OF THE COMMISSIONER OF PATENTS AND TRADEMARKS

Office Action Summary

Application No.

08/811,772

Applicant(s)

MARTHA MCKENZIE

Examiner

Khoa Tran

Group Art Unit

3623

☒ Responsive to communication(s) filed on Mar 7, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Mar 7, 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3623

DETAILED ACTION

1. The following guidelines illustrate the preferred layout and content for patent applications.

These guidelines are suggested for the applicant's use.

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally-sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

Art Unit: 3623

Drawings

2. The drawings filed on 03/07/97 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draft person's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required.
3. The drawings are objected to because it appears that reference numerals "14" and "10" have been used to designate the same part in Figure 2. In order to avoid confusion it is suggested that reference numeral "10" terminate in an arrowhead. Further, reference numerals "16" and "18" do not appear in the figures. Appropriate correction is required.

Specification

4. On page 5, line 14 "As best seen in Figure 4 and 5" should be changed to --As best seen in Figures 3-5--, because the reference numeral "14" does not appear in Figures 4 or 5. Further, it is not clear what elements are the "frame elements" (see line 15) since no numeral is associated therewith and the numbered elements all have different terminology. Further, consistent terminology with respect to reference numeral "10" should be maintained. Note that page 5, line 13, refers to "10" as a "base" and then at line 19, begins referring to "10" as a "frame." On page 7, lines 12 and 16, "52" is referred to as "horizontal surface 52" and "triangular cover member 52." On page 7, line 21, it appears that "portions 62, 64" should be --portions 64, 66--. Appropriate correction is required.

Art Unit: 3623

Claim Rejections - 35 USC § 112

5. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 appears to be inaccurate or incomplete because it is not seen how the arcuate section will "prevent" dislodgement. Note that this is an absolute term. It appears that the disclosed structure, at best, only minimizes accidental dislodgement. Claims 9 and 11 are misdescriptive and /or inaccurate because the bent sections are not disclosed as being a part of the various rods. Claim 13 should depend from claim 12 instead of claim 11 because the cover is first set forth in claim 12. The dependency of claim 14 should likewise be changed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafto in view of Zizinia. Shafto discloses a holder for wire hangers comprising (lower ends of 12 attached to base 10) and retaining means (12, 14, 16) which includes a bent section. Note also the third rod formed by the lower end of 14 attached to base 10. The holder of Shafto merely rests on a support surface. However, Zizinia discloses a similar holder and teaches the provision of mounting means so as to enable the holder to be mounted to a surface. To one of ordinary skill in

Art Unit: 3623

the art, it would have been obvious to provide the holder of Shafto with mounting means as taught by Zizinia so as to enable the holder to be secured in place to a particular support surface.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafto in view of Zizinia as applied to claims 1-11 above, and further in view of Lee. Lee teaches the use of a cover for the hanger, the cover for hanger having a triangle space with a slot (20) to accommodate a hook of a hanger. See Figures 1 and 2. It would have been obvious to one of ordinary skill in the art to provide a cover as taught by Lee to Shafto in view of Zizinia so as to provide a protective enclosure.

7. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Friedman, Howen, Beshara, Keen, Custer, and Vanderwerp are cited to show similar of a rack for storing hangers.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 5:00 P.M. The fax phone number for this Group is (703) 305-3598 or 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.



Khoa Tran
4/13/98

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
GROUP 3600